

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Individual On-Site

4 Wastewater Treatment Grants Program

5

6 Rules as Adopted

7 7077.0705 DEFINITIONS.

8 Subpart 1. Scope. For the purpose of parts 7077.0700 to  
9 7077.0765, the following terms have the meanings given them.

10 Subp. 2. Abatement notice. "Abatement notice" means an  
11 official document issued by the municipality to the owner of an  
12 individual or cluster on-site wastewater treatment system  
13 stating that the owner is in violation of the municipality's  
14 ordinance that adopts the requirements of chapter 7080. The  
15 abatement notice must include a citation to the ordinance  
16 alleged to have been violated.

17 Subp. 2a. Application cycle. "Application cycle" means  
18 the development of an on-site funding list and the acceptance,  
19 review, and approval of written applications for individual  
20 on-site wastewater treatment system grant funds.

21 Subp. 5a. Cluster on-site wastewater treatment system or  
22 cluster system. "Cluster on-site wastewater treatment system"  
23 or "cluster system" means a wastewater treatment system, or part  
24 of a system, that uses subsurface soil treatment and disposal to  
25 serve two or more dwellings or other establishments. Only  
26 cluster systems that serve five or fewer dwellings or other  
27 establishments are eligible for grant assistance.

28 Subp. 6. Construction cost. "Construction cost" means the  
29 cost of the materials, labor, overhead, and profit necessary for  
30 installation, construction, and repair of an on-site wastewater  
31 treatment system established by a contract between a system  
32 owner and a system installer.

33 Subp. 7. Designer. "Designer" means a person who designs  
34 on-site wastewater treatment systems that conform to chapter  
35 7080, and has received agency approval under part 7077.0720.

1 [For text of subp 8, see M.R.]

2 Subp. 9. Failed system. "Failed system" means a  
3 wastewater treatment system that does not conform to chapter  
4 7080 and has been issued an abatement notice by the municipality.

5 Subp. 10. Individual on-site wastewater treatment system  
6 or individual system. "Individual on-site wastewater treatment  
7 system" or "individual system" means a wastewater treatment  
8 system, or part of a system, serving one dwelling or other  
9 establishment, that uses subsurface soil treatment and disposal.

10 Subp. 11. Inspector. "Inspector" means a person employed  
11 by or under contract to the municipality who inspects on-site  
12 wastewater treatment systems for conformance with the ordinance  
13 that adopts the requirements of chapter 7080, and has received  
14 agency approval under part 7077.0720.

15 Subp. 12. Installer. "Installer" means a person who  
16 constructs or repairs on-site wastewater treatment systems  
17 according to chapter 7080, and has received agency approval  
18 under part 7077.0720.

19 [For text of subp 12a, see M.R.]

20 Subp. 13. Median household income. "Median household  
21 income" means the income data named "median household income"  
22 from the most recent decennial census of the United States or  
23 the median household income calculated by the municipality and  
24 approved by the commissioner for alternative planning areas.

25 [For text of subps 14 to 16, see M.R.]

26 Subp. 16a. Planning area. "Planning area" means an area  
27 of contiguous dwellings or other establishments. A planning  
28 area is the entire geographic area within a municipality's  
29 jurisdiction unless the commissioner approves an alternative  
30 area.

31 Subp. 16b. Provisional certification. "Provisional  
32 certification" means an apprenticeship status given to persons  
33 that have participated in the state individual sewage treatment  
34 system certification program and passed the certification  
35 examination, but lack the experience required for full  
36 certification.

1 [For text of subp 17, see M.R.]

2 Subp. 17a. Site evaluation costs. "Site evaluation costs"  
3 means the expenses associated with a site evaluation, which  
4 include the cost of a site evaluator, soil borings, percolation  
5 tests, and the determination of topographical features.

6 Subp. 18. Site evaluator. "Site evaluator" means a person  
7 who investigates soils and site characteristics to determine  
8 suitability, limitations, soil type, and sizing requirements for  
9 designing on-site wastewater treatment systems that conform to  
10 chapter 7080, and has received agency approval under part  
11 7077.0720.

12 Subp. 18a. System design costs. "System design costs"  
13 means the expenses charged by a designer to complete the  
14 necessary calculations for system size, location, materials, and  
15 other items necessary to develop a bed, trench, or mound  
16 wastewater treatment system design that conforms to chapter 7080.

17 Subp. 19. Trench or bed system. "Trench or bed system"  
18 means a wastewater treatment system employing a building sewer,  
19 sewage tank, and the soil treatment system consisting of  
20 trenches or a seepage bed constructed below the original soil  
21 surface.

22 7077.0710 ELIGIBILITY.

23 Subpart 1. Eligibility to participate. Only  
24 municipalities, as defined under part 7077.0105, subpart 24, are  
25 eligible to participate in the individual on-site wastewater  
26 treatment systems grants program.

27 Subp. 2. Eligibility of individual and cluster systems.  
28 For an individual or cluster system to be eligible to be  
29 included in a municipality's grant application and to receive  
30 grant funds it must meet the following conditions:

- 31 A. be a failed system;
- 32 B. have been constructed before January 1, 1977;
- 33 C. not be serving a seasonal residence;
- 34 D. not have been constructed with state or federal  
35 water pollution control funds; and

1 E. be located within the project planning area.

2 Subp. 3. Eligibility of funded areas. On-site wastewater  
3 treatment systems located in geographic areas that were included  
4 in planning areas of projects previously funded with state or  
5 federal water pollution control funds are not eligible for  
6 funding under this program.

7 Subp. 4. Eligibility of alternative planning area. The  
8 commissioner shall evaluate any written municipal proposal for a  
9 project planning area that is less than the municipality's  
10 entire geographic jurisdiction. The commissioner's evaluation  
11 of the proposal shall be based on housing density, water quality  
12 impact, and public health impact. Separate dwellings or other  
13 establishments that are not part of a contiguous area shall not  
14 be approved as or part of a planning area.

15 Subp. 5. Eligibility to submit a request to be placed on  
16 the on-site funding list. The commissioner shall only accept  
17 requests to place projects on the on-site funding list under  
18 part 7077.0713 from municipalities that:

19 A. have authorization from their governing bodies to  
20 assume the responsibility for the proposed grant projects and  
21 the associated official documents; and

22 B. have planning areas that have been approved by the  
23 commissioner.

24 Subp. 6. Eligibility to submit grant application. The  
25 authority shall accept grant applications only from  
26 municipalities that have:

27 A. successfully submitted requests to be placed on  
28 the on-site funding list;

29 B. been classified as fundable on the on-site funding  
30 list; and

31 C. received written notification from the  
32 commissioner to submit applications.

33 7077.0713 ON-SITE FUNDING LIST.

34 Subpart 1. On-site funding list. An on-site funding list  
35 shall be compiled by the commissioner before each grant

1 application period. The list shall be used to determine which  
2 municipalities are eligible to apply for individual on-site  
3 wastewater treatment system grant funds.

4 Subp. 2. Requirements for placement on the on-site funding  
5 list. To be placed on the on-site funding list a municipality  
6 must meet the requirements of part 7077.0710, subpart 5, and  
7 either item A, B, or C, as appropriate.

8 A. A municipality with a project proposal must submit  
9 a written request for the project to be placed on the on-site  
10 funding list to the commissioner during a submittal period  
11 announced by a notice in the State Register. The notice shall  
12 include submittal deadlines and conditions. The placement  
13 request must be made on forms provided by the agency and must  
14 include:

15 (1) a resolution of the governing body of the  
16 municipality that designates the municipality as the responsible  
17 party for the on-site funding list placement request and future  
18 grant application, authorizes the filing of the request and  
19 future application, and designates the municipal official  
20 authorized to sign the request, future application, and related  
21 documents;

22 (2) a map of the municipal jurisdiction or  
23 approved alternative planning area;

24 (3) a preliminary list that identifies the  
25 addresses of the on-site wastewater treatment systems that are  
26 suspected to be failed and that meet the eligibility  
27 requirements under part 7077.0710, subpart 2;

28 (4) median household income data or alternative  
29 median household income data that includes income data and  
30 computation methodology for municipalities and planning areas  
31 not included in the decennial census;

32 (5) the municipality's estimated date of site  
33 evaluation, design, and construction for all eligible systems;  
34 and

35 (6) a copy of a draft ordinance for adopting the  
36 requirements of chapter 7080 and establishing a maintenance plan

1 for the individual on-site wastewater treatment systems within  
2 the jurisdiction of the municipality; and  
3 (7) the estimated amount of grant funding  
4 necessary for eligible site evaluation, system design, and  
5 construction costs.

6 B. A municipality with a project that has been  
7 awarded a partial grant under part 7077.0735, subpart 2, shall  
8 submit a written request for the remaining grant fund  
9 entitlement to the commissioner by the published  
10 placement-request submittal deadline described under item A.

11 C. A municipality eligible for a grant increase  
12 amendment under part 7077.0735, subpart 4, item A, shall submit  
13 a written request for the grant increase to the commissioner by  
14 the published placement-request submittal deadline described  
15 under item A.

16 Subp. 3. Incomplete requests. Municipalities that submit  
17 placement requests that do not include the information required  
18 in subpart 2 or that are not postmarked by the published  
19 deadline shall not be placed on the on-site funding list.

20 Subp. 4. Priority ranking. Priority ranking of projects  
21 will be based on the median household income approved by the  
22 commissioner for the project planning area. Ranking on the  
23 on-site funding list shall be determined as described in items A  
24 to C:

25 A. Partial award projects shall be ranked before  
26 other grant increase amendments and project proposals. Partial  
27 award projects shall be ranked with the lowest median household  
28 income receiving the highest priority.

29 B. Grant increase amendments other than for partial  
30 awards shall be ranked after the lowest priority partial award  
31 project on the on-site funding list and before project  
32 proposals. These grant increases shall be ranked with the  
33 lowest median household income receiving the highest priority.

34 C. Project proposals shall be ranked after the lowest  
35 priority grant increase amendment project on the on-site funding  
36 list. Project proposals shall be ranked with the lowest median

1 household income receiving the highest priority.

2 Subp. 5. Determination of fundable range. To determine  
3 the fundable range on the on-site funding list, the commissioner  
4 shall subtract the estimated grant amount or calculated grant  
5 increase for each project, in order of decreased priority, from  
6 the amount available in the individual on-site wastewater  
7 treatment system grant fund. The projects classified as  
8 fundable are those that have their estimated or calculated  
9 project costs subtracted before the grant fund amount is  
10 depleted or diminished to an amount too small to complete the  
11 majority of the project next in priority on the on-site funding  
12 list.

13 Subp. 6. Determination of projects eligible to submit  
14 applications. Only municipalities with projects classified as  
15 fundable on the on-site funding list are eligible to submit  
16 applications.

17 Subp. 7. Exclusion from fundable range. Projects not  
18 classified as fundable on the on-site funding list must resubmit  
19 the documents required under subpart 2 during a subsequent  
20 placement request period.

21 Subp. 8. Commissioner notification. The commissioner  
22 shall notify each municipality of the on-site funding list  
23 priority for its project.

24 7077.0720 APPROVAL OF INDIVIDUAL ON-SITE WASTEWATER TREATMENT  
25 PERSONNEL.

26 Subpart 1. General requirement. For the purposes of parts  
27 7077.0700 to 7077.0765, inspectors, site evaluators, designers,  
28 and installers who inspect, evaluate sites for, design, and  
29 install on-site wastewater treatment systems under those parts  
30 must be approved by the commissioner under subpart 2 or 3.

31 Subp. 2. First alternate approval criteria. A person  
32 referred to in subpart 1 will be approved by the commissioner if  
33 the person is fully certified by the agency through the  
34 individual sewage treatment systems certification program  
35 administered by the agency in cooperation with the Individual

1 Sewage Treatment Systems Advisory Committee established under  
2 part 7080.0100. Approval is automatic upon submittal of  
3 certification number. Provisional certification does not  
4 fulfill this approval criteria.

5 Subp. 3. Second alternate approval criteria. A person  
6 referred to in subpart 1 may apply for approval under this  
7 subpart by submitting an application provided by the  
8 commissioner upon request. An applicant will be approved by the  
9 commissioner if the applicant meets the requirements of items A  
10 and B.

11 [For text of item A, see M.R.]

12 B. An applicant must document experience by  
13 completing the following requirements:

14 (1) An inspector must submit a list of on-site  
15 wastewater treatment systems inspected by the applicant in the  
16 past three years. The inspector must certify that a minimum of  
17 30 systems, or parts of systems, listed conform with the  
18 criteria in chapter 7080.

19 (2) A site evaluator must submit a list of  
20 on-site wastewater treatment systems for which the evaluator has  
21 conducted site evaluations in the past three years. The site  
22 evaluator must certify that a minimum of 20 sites for the  
23 systems listed were evaluated according to the criteria in  
24 chapter 7080.

25 (3) A designer must submit a list of on-site  
26 wastewater treatment systems designed by the applicant in the  
27 past three years. The designer must certify that a minimum of  
28 20 systems listed were designed according to the criteria in  
29 chapter 7080.

30 (4) An installer must submit a list of on-site  
31 wastewater treatment systems constructed or repaired by the  
32 applicant in the past three years. The installer must certify  
33 that a minimum of ten systems listed were constructed or  
34 repaired according to the criteria in chapter 7080.

35 [For text of subps 4 and 5, see M.R.]



## 1 7077.0725 GRANT APPLICATION.

2 Subpart 1. Eligibility. No municipality shall submit an  
3 individual on-site wastewater treatment system grant application  
4 unless it meets the eligibility requirements of part 7077.0710,  
5 subpart 6. The written notification from the commissioner shall  
6 include application submittal conditions and deadlines. No  
7 municipality is eligible for a grant unless a complete grant  
8 application has been submitted to the authority and has been  
9 certified by the commissioner. A complete application includes  
10 all the documents required under subpart 2.

11 Subp. 2. Application requirements. The municipality must  
12 apply for a grant on a form provided by the commissioner or the  
13 authority. The municipality must submit to the authority the  
14 following information with the application:

15 A. the wastewater treatment plan adopted by the  
16 municipality's governing body that identifies wastewater  
17 treatment needs, proposes long-term solutions for a planning  
18 area, and includes:

19 (1) a planning area survey prepared by an  
20 inspector that identifies all systems in the planning area as  
21 failed systems or systems in compliance with chapter 7080;

22 (2) site evaluations, including soil  
23 investigations, soil borings, and percolation tests for the  
24 failed systems identified in subitem (1) prepared by a site  
25 evaluator and a determination if it is feasible to replace or  
26 upgrade the failed systems on-site made by a system designer;

27 (3) a summary of the proposed systems that  
28 includes sizing, location, and design, prepared by a designer  
29 using data from the site evaluations prepared under subitem (2);

30 (4) a list of the failed individual on-site  
31 wastewater treatment systems, including addresses and names of  
32 property owners, that meet the eligibility requirements under  
33 part 7077.0710, subpart 2, and copies of the abatement notices;

34 (5) an analysis of the overall wastewater  
35 treatment needs in the planning area including a proposal for  
36 addressing the remaining wastewater treatment needs in the

1 planning area not covered in subitem (4), including specific  
2 actions to be taken and a proposed timetable for addressing the  
3 wastewater treatment needs;

4 (6) documentation of approval of the project  
5 inspector, site evaluator or site evaluators, designer, and  
6 installer under part 7077.0720; and

7 (7) a certification of adoption of the wastewater  
8 treatment plan from the municipality's governing body;

9 B. a copy of the enacted ordinance that adopts the  
10 requirements of chapter 7080, individual sewage treatment system  
11 standards, and establishes a maintenance plan for the on-site  
12 wastewater treatment systems in the municipal jurisdiction and  
13 certification that the ordinance is being enforced;

14 C. signed statements of compliance with the  
15 eligibility requirements under part 7077.0710, subpart 2, items  
16 B to E, from the individual system owners;

17 D. the amount of grant funding requested for site  
18 evaluation, system design, and construction and a certification  
19 stating that only eligible costs have been requested;

20 E. the municipality's estimated date for the  
21 completion of all construction and final request for payment for  
22 the grant eligible systems;

23 F. a statement from the municipality that it has an  
24 inspector on staff or under contract for services; and

25 G. an assurance from the municipality that states  
26 that all owners of dwellings or other establishments planned to  
27 be connected to a cluster system agree to be part of the system,  
28 to participate in the construction projects, and to participate  
29 in and finance future operation, maintenance, and replacement of  
30 the system.

31 [For text of subp 3, see M.R.]

32 Subp. 4. Application closing date. The application  
33 deadline shall not be less than 150 days after the placement  
34 request submittal deadline identified under part 7077.0713,  
35 subpart 2, item A. The commissioner shall send written  
36 notification of the application deadline to municipalities that

1 are eligible to submit grant applications. The application must  
2 be postmarked by the specified application deadline.

3 Subp. 5. Incomplete applications. Municipalities that  
4 submit applications postmarked by the application deadline that  
5 require additional information to be considered complete under  
6 subpart 2, have 45 days from the application deadline to submit  
7 the information needed to make the application approvable. If  
8 an application is not completed within this 45 days, the  
9 municipality is ineligible for funding. Ineligible  
10 municipalities must wait to reapply until the on-site funding  
11 list placement requirements have been met and the project has  
12 been classified as fundable under part 7077.0713 during a  
13 subsequent application cycle.

14 Subp. 6. Three copies. Individual on-site wastewater  
15 treatment system grant application forms and attachments must be  
16 submitted in triplicate to the authority. At least one set of  
17 forms and attachments must contain original signatures.

18 Subp. 7. Application approval. The commissioner shall  
19 review and approve grant applications from municipalities that  
20 meet the requirements under this part.

21 7077.0730 ELIGIBLE COSTS.

22 Subpart 1. Eligible costs. Only the actual site  
23 evaluation, system design, and construction costs of upgrading  
24 or replacing failed individual or cluster on-site wastewater  
25 treatment systems that have been identified under part  
26 7077.0725, subpart 2, item A, subitem (4), are eligible.  
27 Upgraded or replacement systems must be a trench, bed, or mound  
28 design and serve five or fewer dwellings or other establishments  
29 to be eligible for grant participation. Only the costs  
30 associated with one system shall be eligible for each dwelling  
31 or other establishment.

32 Subp. 2. Ineligible costs. All inspection,  
33 administrative, land, and easement costs are ineligible.  
34 Planning and engineering costs, other than for site evaluation  
35 and system design, are also ineligible.

1 Subp. 3. [See repealer.]

2 Subp. 4. Costs incurred before grant award. An owner may  
3 incur costs before the award of the grant and retain eligibility  
4 for reimbursement of eligible costs if the following conditions  
5 are met:

6 A. the owner's system is specifically identified on  
7 the wastewater treatment plan as required under part 7077.0725,  
8 subpart 2, item A, that was approved by the municipality and the  
9 commissioner before construction costs are incurred; and

10 B. all work has been done by personnel approved under  
11 part 7077.0720, and according to chapter 7080 and the approved  
12 wastewater treatment plan.

13 7077.0735 AMOUNT OF GRANT AWARD.

14 Subpart 1. Grant amount. The amount of the grant to be  
15 awarded will be the sum of items A and B:

16 A. 50 percent of the construction costs eligible  
17 under part 7077.0730 up to a maximum amount of \$2,500 per  
18 dwelling or other establishment for a trench or bed system and  
19 \$3,750 per dwelling or other establishment for a mound system;  
20 and

21 B. 50 percent of the site evaluation and system  
22 design costs eligible under part 7077.0730 up to a maximum  
23 amount of \$150 per dwelling or other establishment.

24 Subp. 2. Partial awards. A municipality that receives  
25 only a part of the grant to which it is entitled, due to the  
26 limitation of funding, will be entitled to receive a grant  
27 amendment in the next year or years, if individual on-site  
28 wastewater treatment systems grant funding is available, until  
29 the full amount of the grant is awarded. If a municipality  
30 accepts a partial grant it must identify which project elements  
31 will be completed with the grant as part of the grant agreement.

32 Subp. 3. Funds not allocated. Individual on-site  
33 wastewater treatment system grant funds that are not allocated  
34 for a fundable project, that are refused by a municipality, or  
35 that are denied award by the commissioner or authority shall

1 remain in the grant fund for distribution during the next  
2 application cycle.

3 Subp. 4. Amendments. Grant amendments shall be made as  
4 described in items A and B:

5 A. Grant increase amendments shall only be made to  
6 fulfill the original grant entitlement for municipalities that  
7 receive partial awards as described under subpart 2, to  
8 reimburse the eligible cost for failed on-site treatment systems  
9 in a project planning area that were not identified on the  
10 on-site funding list placement request, and to reimburse site  
11 evaluation and system design costs eligible under subpart 1,  
12 item B, for municipalities that received individual on-site  
13 wastewater treatment system grant awards before July 1, 1991.  
14 Grant increases shall be made during an application cycle when  
15 on-site funds are available and the grant increase has been  
16 classified as fundable on the corresponding on-site funding list.

17 B. Grant decrease amendments shall be made upon  
18 project completion to reduce the grant to correspond with the  
19 amount of incurred, grant eligible costs.

20 7077.0745 CERTIFICATION OF AWARD.

21 Subpart 1. Certification to authority. The commissioner  
22 will certify each individual on-site wastewater treatment system  
23 grant application approved under part 7077.0725, subpart 7, and  
24 grant amendment approved under part 7077.0735, subpart 4, to the  
25 authority for award. Grant eligible costs, award amounts, and  
26 eligible budget periods will be determined at the time of  
27 certification.

28 Subps. 2 and 3. [See repealer.]

29 7077.0750 PAYMENT CONDITIONS.

30 Payment of the grant is contingent on complying with the  
31 following conditions:

32 [For text of items A to C, see M.R.]

33 D. The upgrade or replacement to the existing system  
34 must meet the standards under chapter 7080 and must be completed  
35 in accordance with the approved wastewater treatment plan.

1 E. Costs on the payment request have been incurred  
2 and are eligible under part 7077.0730.

3 7077.0755 PAYMENTS.

4 [For text of subpart 1, see M.R.]

5 Subp. 2. Schedule of payments. Payments may be requested  
6 monthly as construction on individual and cluster systems is  
7 completed and approved by the inspector.

8 Subp. 3. Documentation. Before payment of any part of the  
9 grant is made, the municipality must certify to the agency that  
10 the payment conditions under part 7077.0750 have been fulfilled  
11 and invoices that document incurred site evaluation, system  
12 design, and construction costs for each upgraded or replaced  
13 on-site system will be kept on file for state audit purposes.

14 [For text of subp 4, see M.R.]

15 7077.0760 TERMINATION OF GRANT.

16 Failure of the municipality to comply with the grant  
17 agreement or parts 7077.0700 to 7077.0765 constitutes grounds  
18 for the commissioner to recommend that the authority terminate  
19 the grant.

20 7077.0765 SUBSEQUENT GRANTS.

21 A municipality awarded a grant from the individual on-site  
22 wastewater treatment systems grants program is not eligible for  
23 additional funding under the program established by the 1972  
24 Federal Water Pollution Control Act amendments or the state  
25 independent grants program, including the individual on-site  
26 wastewater treatment systems grants program, unless the  
27 municipality is applying for a project that serves a planning  
28 area that was not included, under part 7077.0725, subpart 2,  
29 item A, in the awarded grant.

30 REPEALER. Minnesota Rules, parts 7077.0715; 7077.0730, subpart  
31 3; 7077.0740; and 7077.0745, subparts 2 and 3, are repealed.